# TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION



Form DS1401 **FINAL** 

**Project Name: RITOLA SHORT PLAT** 

Case Number: PLD2006-00063; SEP2006-00121

**Location:** NE 112<sup>th</sup> Avenue between NE 279<sup>th</sup> and NE 299<sup>th</sup> Streets

**Request:** The applicant is proposing to divide approximately 10 acres into 2

rural residential lots for a property located in the R-5 zone.

**Applicant:** Dennis Ritola

1909 SW 6<sup>th</sup> Street

Battle Ground, WA 98604

(360) 903-3826

Contact Person: Chris Avery

Minister and Glaeser Surveying 2200 E Evergreen Boulevard

Vancouver, WA 98661

(360) 694-3313; (360) 694-8410 [Fax]

csa@mgsurvey.com

**Property Owner:** Same as Applicant

# **DECISION**

Approve, subject to Conditions

Team Leader's Initials: \_\_\_\_\_ Date Issued: August 25, 2006

# **County Review Staff:**

<b>County Staff</b>	<u>Name</u>	Phone Ext.	E-mail Address
Planner:	Jim Vandling	4714	james.vandling@clark.wa.gov
Engineer (Trans. & Stormwater):	Ken Burgstahler	4347	Ken.burgstahler@clark.wa.gov
Engineer Supervisor:	Ali Safayi	4102	Ali.safayi@clark.wa.gov

**Team Leader** Travis Goddard 4180 <u>Travis.goddard@clark.wa.gov</u>

Parcel Number(s): Tax lot 74 (224573), located in the Northeast Quarter

of Section 16, Township 4 North, Range 2 East of the

Willamette Meridian.

Plan Designation: R-5

**Zoning Designation:** R-5

# **Applicable Laws:**

Clark County Code: Title 15 (Fire Prevention), Section 40.210.020 (Rural Residential Zoning District), Section 40.210.020 (Rural Residential Zoning District), Chapter 40.350 (Transportation), Chapter 40.380 (Storm Water Drainage and Erosion Control), Section 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), Section 40.610 (Impact Fees), Title 24 (Public Health) and the Clark County Comprehensive Plan and RCW 58.17.

# **Neighborhood Association/Contacts:**

**Neighborhood Advisory Committee of Clark County (NACCC)** 

Art Stubbs, Vice Chair (*mailing contact for NACCC*) 6804 NE 86 Court Vancouver, WA 98662 891-5685

E-mail: sixsplus@cs.com

#### **Time Limits:**

The application was determined to be fully complete on June 9, 2006. Therefore, the County Code requirement for issuing a decision within 78 days lapses on August 26, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on October 7, 2006.

# Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on February 9, 2006. The pre-application was determined to be contingently vested.

The fully complete application was submitted on May 31, 2006 and determined to be fully complete on June 9, 2006. Given these facts the application is vested on January 19, 2006 (The date the pre-application conference submittal was received)

There are no any disputes regarding vesting.

#### **Public Notice:**

Notice of application was published in the Columbian Newspaper and mailed to the applicant, Neighborhood Association; and property owners within 500 (rural) feet of the site on July, 2006.

#### **Public Comments:**

None

# **Project Overview**

The applicant is proposing to divide approximately 10 acres into 2 single family residential lots for a property in the R-5 zone. Access to the site is via NE 112th Ave., north of Battle Ground, which is designated as a rural local access road.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	R-5	R-5	Pasture & Large Lot Residential
North	R-5	R-5	Pasture & Large Lot Residential
East	R-5	R-5	Pasture & Large Lot Residential
South	R-5	R-5	Pasture & Large Lot Residential
West	R-5	R-5	Pasture & Large Lot Residential

# **Staff Analysis**

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

#### **Major Issues:**

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

#### LAND USE:

#### Finding 1

The application is to process a 2 lot short plat creating two lots in the R-5 Zoning District.

#### Finding 2

The R-5 District requires the following setbacks:

Minimum lot area (acres) 5
Minimum lot width (feet) 140
Minimum lot depth (feet) none
Front yard setback (feet) 50

Side yard setback (feet) 25, 50 for agriculture buildings Rear yard setback (feet) 20, 50 for agriculture buildings

Street side yard setback (feet) 25

#### Finding 3

Single-family residences are a permitted use in the R-5 zoning districts as is the platting of property for residential use.

#### Finding 4 – Provisions for Health, Safety and General Welfare

With conditions of approval, staff finds the proposed land division will make appropriate provisions for the public health, safety, and general welfare of the community. Impact fees will also be required to contribute a proportionate share toward the costs of school services.

#### **CRITICAL AREAS:**

#### Finding 1

A Category IV Wetland exists in the westerly portion of the parent parcel, however due to it's small size it is non-jurisdictional and exempt from the Wetland Protection Ordinance.

#### TRANSPORTATION:

#### Circulation Plan

<u>Finding 1</u> – Since frontage improvements will not be required for this development, a circulation plan would not be required per CCC 40.350.030(B)(2)(2)(a).

#### Roads

<u>Finding 2</u> – CCC 40.350.030(B)(6)(b)(1) & (2) requires that offsite access roads shall have an unobstructed and paved roadway width of 20 feet, except in those cases where the preexisting road is 18 feet wide, with one-foot shoulders, additional widening is not required. The preliminary plat submitted for this review indicates that NE 112<sup>th</sup> Avenue, providing access to this site, meets this standard. Therefore, staff finds that this requirement is satisfied.

<u>Finding 3</u> – NE 112<sup>th</sup> Avenue, fronting the project, is classified as a Rural Local Access Road in this area. CCC 40.350.030(B)(5)(a)(1) says that the right-of-way width shall be a minimum of one-half of that specified in Tables 40.350.030-2 through 40.350.030-6. Table 40.350.030-5 of the Transportation Standards calls for a minimum right-of-way width of 50 feet for this classification of road. According to the survey recorded in Book 51 at Page 22, records of Clark County, Washington, NE 112<sup>th</sup> Avenue was established with a 30-foot right-of-way as A.B. Church Road on August 3, 1886 (Road Book 2, Page 198). Therefore, staff finds that this standard has been met.

#### Access

<u>Finding 4</u> – An existing joint driveway runs along a portion of the southerly line of this plat. This driveway currently provides access to three lots, the maximum permitted by CCC 40.350.030(B)(11). Therefore, no additional access will be permitted to this existing joint driveway. This shall be noted on the final plat. (See Condition # D-4-b)

<u>Finding 5</u> – The applicant proposes a joint driveway along the north line to provide access to Lots 1 & 2. CCC 40.350.030(B)(11) says that a maximum of three legal lots may use a joint driveway to access a public or private road. A note shall be placed on the final plat saying that only Lots 1 & 2 of this plat may utilize the proposed joint driveway to access NE 112<sup>th</sup> Avenue. (See Condition # D-4-c)

<u>Finding 6</u> – In order to insure, that sight distance requirements are satisfied, insure that access is available to all lots and not place an undue burden on the future lot owners, the joint driveway shall be constructed to the point where it accesses Lot 2 prior to final plat. This driveway shall be a minimum 12 feet wide all-weather driving surface with an overhead clearance of 13 feet 6 inches to comply with CCC 40.350.030(B)(4)(b)(2). This driveway must be paved from the edge of NE 112<sup>th</sup> Avenue to the right-of-way or to 20 feet from the edge, whichever is greater, to comply with CCC 40.350.030(B)(7)(c). (See Condition # D-1)

<u>Finding 7</u> – In compliance with CCC 40.350.030(B)(4)(b)(3), the joint driveway must have an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. The turnaround at the terminus may be constructed with the residence on Lot 2. This shall be noted on the final plat. The turnouts must be constructed with the joint driveway construction prior to final plat. (See Conditions # D-1, D-4-d & F-1-a)

<u>Finding 8</u> – The minimum joint driveway easement width is 20 feet, according to CCC 40.350.030(B)(4)(b)(2). The applicant proposes a 30-foot wide easement. This easement shall be widened as necessary to include the required turnouts. (See Condition # D-2)

#### Sight Distance

<u>Finding 9</u> – NE 112<sup>th</sup> Avenue does not have a posted speed limit, so it is 50 MPH per CCC 40.350.030(B)(8)(a) and RCW 46.61.415. Therefore, the required stopping sight distance on NE 112<sup>th</sup> Avenue is 500 feet in both directions from the joint driveway intersection. The preliminary submittal package included a letter, signed and stamped by Travis W. Tormanen, an engineer licensed in the State of Washington indicating that the requirement for 500 feet of sight distance is available from the proposed driveway location. Therefore, staff finds that the sight distance standard has been satisfied.

<u>Finding 10</u> – Sight distance was only measured at the proposed joint driveway. Therefore, any other accesses to NE 112<sup>th</sup> Avenue will require a Road Approach Permit. This shall be noted on the final plat. (See Condition # D-4-e)

#### Road Modifications

There are no road modifications associated with this proposal

#### Conclusions (Transportation)

#### Transportation Plan

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff

concludes that the proposed preliminary transportation plan, subject to the conditions below, meets the requirements of the county transportation ordinance.

#### **Stormwater and Erosion Control:**

#### Finding 1 - Applicability:

Stormwater and Erosion Control Ordinance CCC 40.380 applies to each of the following development or redevelopment activities that:

- a. Results in 5,000 square feet or more of new impervious area within the rural area
- b. Results in 2,000 square feet or more of new impervious area within the urban area
- c. The addition or replacement of more than 1,000 square feet of impervious surface for any of the development activities or redevelopment listed in Sections 40.380.040(B)(7)(a) and 40.380.040(B)(7)(b), building areas excluded
- d. The platting of single-family residential subdivisions in an urban area
- e. If redevelopment results in 5,000 square feet or more of replaced impervious surface, then the provisions of Section 40.380.040(B)(3) apply.
- f. Drainage projects
- g. All land disturbing activities except those exempted in Section 40.380.030(A).

CCC 40.380.040(A)(6) exempts the construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area from Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). Therefore, the homes and their normal appurtenances are not subject to these sections of the Stormwater and Erosion Control Ordinance. This project is still subject to the Erosion Control portions of this ordinance.

## Finding 2 - Stormwater Proposal:

The applicant has not submitted a stormwater proposal.

#### Finding 3 – Site Conditions and Stormwater Issues:

The applicant submitted documentation, signed and stamped by Travis W. Tormanen, an engineer licensed in the State of Washington, indicating that a culvert is not needed under the proposed joint driveway at NE 112<sup>th</sup> Avenue. This analysis was only performed at the proposed joint driveway. Therefore, any other accesses to NE 112<sup>th</sup> Avenue will require a Road Approach Permit. This shall be noted on the final plat. (See Condition # D-4-e)

#### Finding 4 – Erosion Control

An erosion control plan for the development shall be submitted in compliance with Section 40.380.060(E). The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Conditions # A-1, B-2, B-3 & D-3-b)

#### FIRE PROTECTION:

#### Fire Protection Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately. (See Condition A-3)

#### Fire Protection Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition F-2).

#### Fire Protection Finding 3 - Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. Fire flow is available within 1000 feet of the property line, a fire hydrant will be required.

#### Fire Protection Finding 4 - Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 11 at (360) 687-2171 to arrange for location approval. A 3-foot clear space shall be maintained around the circumference of all fire hydrants.

#### Fire Protection Finding 5 - Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Private driveways shall meet the requirements of the Clark County Road Standard. All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus and at intervals five hundred (500) feet or less, such that no portion of the road or driveway is in excess of three hundred (300) feet from an approved turnaround or turnout.

#### **WATER & SEWER SERVICE:**

#### Finding 1

Public Water is available at the site, both lots will connect to public water.

#### Finding 2

The Clark County Health Department has evaluated and approved the Septic proposal for this short plat under ID#' ON0032548 & ON0041014, dated December 16, 2005. (See Condition E-2 & D-5).

#### **IMPACT FEES:**

#### Finding 1

The site is located in the Battle Ground School District Impact Fee.

The following note shall be placed on the final plat stating that:
"In accordance with CCC 40.61, the School Impact Fees for each dwelling, in this subdivision are: \$3,000.00 (Battle Ground School District). The impact fees for lots in this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

(See condition of approval E-1)

# **DECISION**

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

# **Conditions of Approval**

# A Final Construction/Site Plan Review

Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- **A-1 Erosion Control Plan** The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- **A-2 Excavation and Grading** Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

# A-3 Fire Marshal Requirements:

## **Building Construction**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific

requirements may be made at the time of building construction as a result of the permit review and approval process.

#### Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. Fire flow is available within 1000 feet of the property line, a fire hydrant will be required.

#### Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 11 at (360) 687-2171 to arrange for location approval. A 3-foot clear space shall be maintained around the circumference of all fire hydrants.

#### Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Private driveways shall meet the requirements of the Clark County Road Standard. All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus and at intervals five hundred (500) feet or less, such that no portion of the road or driveway is in excess of three hundred (300) feet from an approved turnaround or turnout.

# B Prior to Construction of Development Review & Approval Authority: Development Inspection

Prior to construction, the following conditions shall be met:

- **B-1 Pre-Construction Conference -** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- **B-2 Erosion Control -** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- **B-3** Erosion Control Erosion control facilities shall <u>not</u> be removed without County approval.

# **C** Provisional Acceptance of Development

#### **Review & Approval Authority: Development Inspection**

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 None

# D Final Plat Review & Recording

**Review & Approval Authority: Development Engineering** 

Prior to final plat approval and recording, the following conditions shall be met:

- **D-1** The joint driveway shall be constructed to the point where it accesses Lot 2 prior to final plat. This driveway shall be a minimum 12 feet wide all-weather driving surface. It driveway must be paved from the edge of NE 112<sup>th</sup> Avenue to the right-of-way or to 20 feet from the edge, whichever is greater. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. (See Transportation Findings # 6 & 7)
- **D-2** The joint driveway shall be in a minimum 20-foot wide easement. This easement shall be expanded as necessary to include the entire required turnout. (See Transportation Finding # 8)
- **D-3 Developer Covenant** A "Developer Covenant to Clark County" shall be submitted for recording to include the following:
  - a. <u>Critical Aquifer Recharge Areas</u> "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
  - **b.** <u>Erosion Control</u> "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- **D-4 Plat Notes -** The following notes shall be placed on the final plat:
  - **a.** <u>Utilities</u>: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services.
  - b. <u>Driveways</u>: "No direct access will be allowed from this plat to the existing joint driveway along the easterly portion of the south line of this plat." (See Transportation Finding # 4)

- c. <u>Driveways:</u> "Only Lots 1 & 2 of this plat may utilize the joint driveway near the north line of the site for access to NE 112<sup>th</sup> Avenue." (See Transportation Finding # 5)
- **d.** <u>Driveways:</u> "An approved turnaround shall be constructed at the end of the joint driveway in Lot 2." (See Transportation Finding # 7)
- e. <u>Driveways:</u> "A Road Approach Permit will be required for any additional accesses to NE 112<sup>th</sup> Avenue." (See Transportation Finding # 10 and Stormwater and Erosion Control Finding # 3)
- **D-5** The applicant shall provide a current and approved Development Review and Evaluation from the Clark County Health Department for the on-site septic system for each lot subject of this land division.

# **E** | Building Permits

**Review & Approval Authority: Customer Service** 

Prior to issuance of a building permit, the following conditions shall be met: E-1 Impact Fees:

The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

**a.** \$3,000.00 per dwelling for School Impact Fees (Battle Ground School District.)

If the building permit application is made more than three years following the date of preliminary site plan approval the impact fee shall be recalculated to the then current fee.

#### E-2 Health Department:

All future Building Permits subject to lots created under this Land Division shall conform to standards as administrated by the Clark County Health Department for private septic systems.

# F Occupancy Permits

**Review & Approval Authority: Customer Service** 

Prior to issuance of an occupancy permit, the following conditions shall be met:

#### F-1 Engineering Requirements:

<u>Transportation</u>:

**a.** An approved turnaround shall be constructed at the end of the joint driveway in Lot 2. (See Transportation Finding # 7)

#### F-2 Fire Marshal Requirements:

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

# **Development Review Timelines**

## **Review & Approval Authority: None - Advisory to Applicant**

**G** 1. Land Division - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on August 25, 2006. Therefore any appeal must be received in this office by 4:30 PM, September 8, 2006.

# APPEAL FILING DEADLINE Date: September 8, 2006

Any appeal of the final land use decisions shall be in writing and contain the following:

- 1. The case number designated by the County and the name of the applicant;
- 2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.020(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
- 3. The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and.
- 4. A check in the amount of **\$1021** (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and 4:30PM Monday through Friday, at the address listed below.

#### Attachments:

- Proposed Plat
- Site Vicinity Map
- Zoning Map

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

> **Public Service Center Department of Community Development** 1300 Franklin Street P.O. Box 9810 Vancouver, WA. 98666-9810

**Phone: (360) 397-2375; Fax: (360) 397-2011**A copy of the Clark County Code is also available on our Web Page at:

Web Page at: http://www.clark.wa.gov